

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Helmut Thoma

GROUP: 3682

SERIAL NO: 10/647,912

EXAMINER: Terence Boes

FILED: August 25, 2003

FOR: GEAR ARRANGEMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDED APPEAL BRIEF

This Amended Appeal Brief is in response to the Notice of Non-Compliant Appeal Brief dated December 31, 2008. The replacement “Evidence Appendix” section now includes a corrected definition of the term “separate” and a statement setting forth where the evidence was entered into the record.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being filed electronically with the Commissioner for Patents via EFS-web on the date indicated below.

Sarah L. Henry
1/5/09
Date

EVIDENCE APPENDIX

1. Merriam-Webster Online Dictionary. This evidence was entered into the record in the July 9, 2007. (Amendment page 11, lines 1-3).



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separate

3 entries found.

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- ¹separate (verb)
- ²separate (adjective)
- ³separate (noun)

Main Entry: **²sep·a·rate**

Pronunciation: \ˈse-p(ə-)rət\

Function: *adjective*

Date: 15th century

1 a : set or kept apart : **DETACHED** **b** *archaic* : **SOLITARY** , **SECLUDED** **c** : **IMMATERIAL** , **DISEMBODIED**

2 a : not shared with another : **INDIVIDUAL** <separate rooms> **b** *often capitalized* : estranged from a parent body <separate churches>

3 a : existing by itself : **AUTONOMOUS** <a separate country> **b** : dissimilar in nature or identity <consulted five separate authorities>

synonyms see **DISTINCT**

— **sep·a·rate·ly** \-p(ə-)rət-lē, ˈse-pərt-lē\ *adverb*

— **sep·a·rate·ness** \-nəs\ *noun*

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Pronunciation Symbols

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CONCLUSION

For all the foregoing reasons, we submit that the rejection of claims 1, 11-14, 18 and 19 is erroneous and reversal thereof is respectfully requested.

If there are any additional fees due in connection with the filing of this amended appeal brief, please charge them to our Deposit Account 50-3381. If a fee is required for any extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should be charged to the above Deposit Account.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Patrick J. O'Shea", is written over a horizontal line.

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